

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 19, 21, and 22 have been canceled without prejudice or disclaimer, and claims 1, 18, 20, 23, 33 and 34 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 4-9, 18, 20, 23-34 are under consideration. Claims 1, 4-9 and 13-17 are allowed. Reconsideration is respectfully requested.

**REJECTION UNDER 35 U.S.C. §103:**

A. In the Office Action, at pages 2-7, claims 18, 20-21 and 33-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kiely (USPN 6,151,344; hereafter, Kiely) in view of Ogasawara (USPN 5,966,159; hereafter, Ogasawara). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 18 has been amended to include the features of claim 19. Claim 19 has been canceled without prejudice or disclaimer.

Independent claim 20 has been amended to include the features of claims 21 and 22, together with a portion of claim 23. Claims 21 and 22 have been canceled without prejudice or disclaimer. Claim 23 has been amended to delete the features of claim 23 that were added to claim 20.

Independent claim 33 has been amended, in similar fashion to the present form of claim 1, to add the terminology: "wherein the compensated control voltage applied to the laser diode is an effective control voltage within a predetermined range, wherein the generation of the error voltage comprises: sampling the output voltage of the laser diode during the automatic power control period; extracting the sampled output voltage that exists within a range between a first maximum and a first minimum as the effective output voltage; calculating an average effective output voltage; and generating the error voltage between the average effective output voltage and the reference voltage."

Independent claim 34 has been amended, in similar fashion to the present form of claim 7, to add the terminology: "wherein the compensated control voltage applied to the laser diode is an effective control voltage within a predetermined range, wherein the generation of the error voltage comprises: sampling the output voltage of the laser diode during the automatic power control period; extracting the sampled output voltage that exists within a range between a first maximum and a first minimum as the effective output voltage; calculating an average effective

output voltage; and generating the error voltage between the average effective output voltage and the reference voltage.”

It is respectfully submitted that Kiely and/or Ogasawara, alone or in combination, do not teach or suggest amended independent claims 18, 20, 33 and/or 34 of the present invention.

Hence, it is respectfully submitted that amended independent claims 18, 20, 33 and 34 are patentable under 35 U.S.C. §103(a) over Kiely (USPN 6,151,344) in view of Ogasawara (USPN 5,966,159), alone or in combination. Since claims 23-32 depend from amended independent claim 20, claims 23-32 are patentable under 35 U.S.C. §103(a) over Kiely (USPN 6,151,344) in view of Ogasawara (USPN 5,966,159), alone or in combination, for at least the reasons amended independent claim 20 is patentable under 35 U.S.C. §103(a) over Kiely (USPN 6,151,344) in view of Ogasawara (USPN 5,966,159), alone or in combination.

B. In the Office Action, at page 7, claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kiely (USPN 6,151,344; hereafter, Kiely) in view of Woodley (2003/0179787; hereafter, Woodley). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 22 has been canceled without prejudice or disclaimer. Hence, the rejection of claim 22 is now moot.

#### **ALLOWABLE SUBJECT MATTER:**

A. In the Office Action, at page 8, the Examiner allowed claims 1, 4-9 and 13-17. Since claim 5 was canceled previously, the allowed claims are believed to be 1, 4, 6-9 and 13-17.

The Applicant thanks the Examiner for his careful review and allowance of claims 1, 4, 6-9 and 13-17. A typographical error (an extra period) in claim 1 has been corrected.

B. In the Office Action, at pages 8-9, the Examiner objected to claims 19 and 23-32 as being dependent upon a rejected base claim, but submitted that said claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant thanks the Examiner for his careful review of claims 19 and 23-32 and his position that said claims would be allowable if suitably amended.

Independent claim 18 has been amended to include the features of claim 19 as suggested by the Examiner. Hence, amended claim 18 is submitted to be in allowable form.

Claim 20 has been amended to include the features of claims 21, 22 and a portion of claim 23. Claim 23 has been amended to delete the portion of claim 23 that was added to claim 20. Amended claim 20 is respectfully submitted to be in allowable form. Hence, claims 23-32,

which depend from amended claim 20, are submitted to be allowable for at least the reasons amended claim 20 is allowable.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 17, 2008

By: Darleen J. Stockley  
Darleen J. Stockley  
Registration No. 34,257

1201 New York Avenue, N.W.  
7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501